

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1322 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
12/08/2004 in W.P.M.P. No.18325 of 2004 in WP No. 14245 OF 2004 on the file of
the High Court.)

Between:

All India Council for Technical Education, Indira Gandhi Sports Complex, IP Estate,
New Delhi.

..... APPELLANT

AND

- 1.Sunkara Appa Rao Memorial Educational Society, H.No. 8-14, Vikas Nagar,
Dilsukhnagar, Hyderabad, rep. by its Secretary.
2. The Council of Architecture, India Habitat Centre, Core 6A, Lodhi Road, New
Delhi.
3. The Government of AP., Rep. by its Principal Secretary,
Higher Education Department, AP Secretariat, Hyderabad.
4. The Director of Technical Education, Government of AP,
BRK Bhawan, Hyderabad.
5. The Convenor, PACET-2004 (Admission), Masab Tank, Hyderabad.
6. JNTU, Kukatpally, Rep. by its Registrar, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr.S.Satyanarayana Prasad for

C.Sindhu Kumari

Counsel for the Respondent No.1: Mr.M.V.S.Suresh Kumar

Counsel for the Respondents 3 to 5: GP for Higher Education

Counsel for the Respondent No.6: Mr.C.Kodanda Ram.

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

The challenge in this appeal is to the interim order passed by the learned Single Judge. By interim order, learned Single Judge directed the appellant to consider the case of the writ petitioner and pass orders afresh within two weeks. The basis for passing such an order was that in the order impugned in the Writ Petition dated: 16.6.2004, there was no whisper on the application of the writ petitioner for starting additional courses. We have gone through the order impugned in the Writ Petition, which, on the face of it, would show that the request of the writ petitioner for additional courses was not granted for various deficiencies mentioned therein. Therefore, the very basis for passing order by the learned Single Judge was bad, for which, learned Single Judge would not have passed such an order which had the effect of almost allowing the Writ Petition. There cannot be a direction to the appellant to consider the prayer of the writ petitioner so long the deficiencies continued, and, at this stage, passing an order would amount to allowing the Writ Petition. The order impugned herein is unsustainable and is liable to set aside.

The Writ Appeal is allowed, impugned order is set aside, and, W.P.M.P. No. 18325 of 2004 is dismissed. No costs.

Learned counsel for the appellant states that within two weeks from today, counter-affidavit in the Writ Petition will be filed. On filing the counter affidavit, the learned Single Judge may consider the desirability of hearing the Writ Petition expeditiously.

DEVINDER GUPTA, C.J.

7.9.2004.

C.V.RAMULU, J.

VR.

To

1. The Council of Architecture, India Habitat Centre, Core 6A, Lodhi Road, New Delhi.
3. The Principal Secretary to the Government of AP., Higher Education Department, AP Secretariat, Hyderabad.
4. The Director of Technical Education, Government of AP, BRK Bhawan, Hyderabad.
5. The Convenor, PACET-2004 (Admission), Masab Tank, Hyderabad.
6. The Registrar, JNTU, Kukatpally, Hyderabad.
7. Two CCs to Govt. Pleader for Higher Education, High Court Buildings, Hyderabad (OUT).
8. Two CD copies.